

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

CAMERON M PERONI

Debtor

Case No. 22-40667

Chapter 7

**MOTION TO DISMISS BANKRUPTCY CASE
WITHOUT WAIVER OF RIGHT TO DISCHARGE**

YOUR RIGHTS MAY BE AFFECTED BY THE RELIEF SOUGHT IN THIS PLEADING. YOU SHOULD READ THIS PLEADING CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU OPPOSE THE RELIEF SOUGHT BY THIS PLEADING, YOU MUST FILE A WRITTEN OBJECTION, EXPLAINING THE FACTUAL AND/OR LEGAL BASIS FOR OPPOSING THE RELIEF.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING **WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE** SHOWN IN THE CERTIFICATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING WITH APPROPRIATE NOTICE. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW Mark A. Weisbart, Chapter 7 Trustee, and files this *Motion to Dismiss Bankruptcy Case Without Waiver of Right to Discharge* (the “Motion”) and in support hereof, would show the Court as follows:

BACKGROUND

1. On May 27, 2022, a voluntary petition under Chapter 7 of the Bankruptcy Code was filed by the Debtor and Mark A. Weisbart was appointed as Trustee.
2. Debtor filed the bankruptcy case to avoid a litigation claim asserted by Jonas Johansson (“Johansson”) in the approximate amount of \$95,000.00. The only legitimate claim in the case was filed by Johansson¹.

¹ Trustee has objected to the IRS’s claim of \$2,108.53 based on estimated taxes. This is the only other claim filed in the case.

3. On April 23, 2024, the case was closed without discharge.
4. On May 29, 2024, Debtor filed his *Motion to Reopen the Case* [Dkt #28].
5. Debtor initially failed to obtain his Financial Management Course Certificate which certificate was obtained on May 29, 2024. The Financial Management Course Certificate was filed in the case on May 29, 2024 [Dkt #29].
6. On June 4, 2024, an *Order Discharging Debtor* was entered in the case [Dkt #31].
7. On June 6, 2024, Johansson filed his *Motion to Vacate (I) Order Ex Parte Motion to Reopen Case and (II) Order Granting Discharge* [Dkt #32].
8. Following an evidentiary hearing on July 23, 2024, on July 30, 2024, the Court entered its *Order Granting in Part Motion to Vacate (I) Order Ex Parte Motion to Reopen Case and (II) Order Granting Discharge* [Dkt #46]. The order vacated the Discharge Order but allowed the Debtor thirty (30) days to file a motion to extend time to file his Financial Management Course Certificate under Bankruptcy Rule 1007(c).
9. On August 23, 2024, Debtor filed his *Motion to Enlarge the Time to File Financial Management Course* [Dkt #48]. On September 6, 2024, objections to this motion were filed by the Trustee and Johansson. A hearing is set on this motion for October 8, 2024 at 9:30am.

RELIEF REQUESTED

10. Pursuant to this Motion, Trustee requests the Court enter an order dismissing the case without waiver or restriction of the right for Debtor to file a new case and seek a discharge in that case.

11. In support of this Motion, Trustee would show:
- a) This case essentially involves a two-party dispute;
 - b) Debtor had the ability to settle the dispute or pay Johansson;
 - c) Dismissal is preferred by Johansson;
 - d) Dismissal will save the Debtor and the estate the cost and expense of continued administration of the case; and
 - e) The equities favor this relief.
12. Trustee therefore requests that this case be dismissed without prejudice.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that the Court enter an Order dismissing this case and granting Trustee such other and further relief to which he is justly entitled.

Respectfully Submitted,

/s/ Mark A. Weisbart
Mark A. Weisbart
Texas Bar No. 21102650
HAYWARD PLLC
10501 N Central Expy, Suite 106
Dallas, TX 75231
(972) 755-7103 Phone/Fax
mweisbart@haywardfirm.com

COUNSEL FOR CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the attached mailing matrix either through the Court's electronic notification system as permitted by Appendix 5005 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, no later than the 18th day of September 2024.

/s/ Mark A. Weisbart
Mark A. Weisbart

Label Matrix for local noticing 0540-4 Case 22-40667 Eastern District of Texas Sherman Tue Sep 17 16:46:06 CDT 2024	Bridge Property Management 111 East Sego Lily Drive Salt Lake City, UT 84070-4422	Essence North Dallas Apartments Attn. Anitra Doll 4200 Horizon N. Pkwy Dallas, TX 75287-2809
GEC Group, LLC d/b/a Magnify Ventures c/o Slater Legal PLLC Attn. James Slater 113 S. Monroe Street Tallahassee, FL 32301-1529	Michael Gilmore Hayward PLLC 10501 N. Central Expressway, Suite 106 Dallas, TX 75231-2203	Hartman Income REIT Attn. Ali Younes 670 N. Coit Suite #2375 Richardson, TX 75080-5417
Internal Revenue Service P.O. Box 7346 Philadelphia PA 19101-7346	Jonas Johansson c/o Slater Legal PLLC Attn. James Slater 113 S. Monroe Street Tallahassee, FL 32301-1529	PayPal Attn. Legal 2211 N 1st St San Jose, CA 95131-2021
Cameron M. Peroni 4200 Horizon North Pkwy Apt. No. 435 Dallas, TX 75287-2809	James Murray Slater Slater Legal PLLC 2296 Henderson Mill Rd NE Ste 116 Atlanta, GA 30345-2739	Brandon John Tittle Tittle Law Group, PLLC 5465 Legacy Dr. Suite 650 Plano, TX 75024-4171
U.S. Attorney General Department of Justice Main Justice Building 10th & Constitution Ave., NW Washington, DC 20530-0001	US Trustee Office of the U.S. Trustee 110 N. College Ave. Suite 300 Tyler, TX 75702-7231	(p)MARK A WEISBART ATTN THE LAW OFFICE OF MARK A WEISBART 10501 N CENTRAL EXPY SUITE 106 DALLAS TX 75231-2203

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mark A. Weisbart Chapter 7 Bankruptcy Trustee 10501 N Central Expy Suite 106 Dallas, TX 75231-2203	(d)Mark A. Weisbart Hayward PLLC 10501 N Central Expy Suite 106 Dallas, TX 75231-2203
---	--

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Jonas Johansson	End of Label Matrix	
	Mailable recipients	14
	Bypassed recipients	1
	Total	15